



Attorney Docket No.: 42568/60393

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Albert R. Heilmann and David Beretta III

App. No.: 10/773,623

Art Unit: 3672

Filed: 02/06/2004

Examiner: Fuller, Robert Edward

For: IN-WELL AERATION DEVICE

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MS Amendment, Commissioner for Patents,, P.O. Box 1450, Alexandria, VA 22313-1450 on April 7, 2006.

By Edith Sillman  
Edith Sillman

MS AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Date: April 7, 2006

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) a Supplemental Information Disclosure Statement for consideration by the Examiner.

The filing of this Supplemental Information Disclosure Statement shall not be construed as an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

**I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

**II. COPIES**

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- a. ☒ Submitted herewith is a legible copy of (i) foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

III. CONCISE EXPLANATION OF THE RELEVANCE  
(check at least one box)

- a. ☐ Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. ☒ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

DE 36 44 120 A1  
Electric Mixer

Electric mixers for the circulation and homogenization of liquid manure and other liquids comprise an electric motor (9), which can be used below the liquid level (27) and via which a mixer propeller or a mixer screw (13) can be driven with or without a downstream gear (11). For this purpose, conventionally, only a submersible motor drive can be used. A more cost-effective electric mixer, which can also be operated in liquid and at the same time is easy to handle, consists of a standard electric motor (9) for liquid-free use without a watertight housing (33), which motor is disposed in a liquid-tight protective casing housing (15) and which can therefore be lowered into the liquid. Another cooling medium can be supplied via inflow and return pipes (29, 23) in order to cool the electric motor (9). The electric mixer is suitable for the circulation and homogenization particularly of liquid manure, but also of other liquids, for example warmed and hot liquids.

DE 198 45 545 A1  
Agitator with Submersible Motor

An agitator with a submersible motor is provided with a guiding device extending vertically into a basin, for the purpose of guiding a housing of the submersible motor, and with a propeller arrangement mounted on a drive shaft. The drive shaft of the propeller and the shaft of the submersible motor are disposed substantially parallel to each other and preferably superposed. The two shafts are mutually linked by a chain or belt drive for driving purposes. The housing comprises at least three sections, the first of which contains the propeller drive shaft, while the second section contains the submersible motor. The third section contains the chain or belt drive, while the third section defines a rear wall, which extends substantially parallel to the guiding device.

EP 0 144 659  
Apparatus for Stirring, Aerating and Pumping off Liquids

Apparatuses for stirring, aerating and pumping off liquids comprise a pump, a submersible motor for driving the pump, at least one mixing chamber downstream of the pump, at least one ejector leading out of the mixing chamber and an ascending pipe, connected to the mixing chamber. In order to simplify the apparatus required for the overall operation of stirring, aerating and pumping off liquids significantly, a conventional submersible aerator is provided with a shut-off device (13), by means of which the passage through the ejector (11) can be optionally shut off during the operation of the pump (2), while at the same time the connection from the pump to the ascending pipe (1) remains free. As a result of this measure, the submersible aerator is additionally assigned the pumping-off function, in addition to its stirring and aerating functions. If the passage through the ejector (11) is blocked, the pump (2) delivers the liquid upwards through the ascending pipe (1), through which normally air is taken in and mixed in the mixing chamber with the liquid jet (Fig. 1).

- c. ☐ The following additional information is provided for the Examiner's consideration:

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)  
(check one box)

- a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. ☐ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$240.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. ☒ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
- or
- b. ☐ See the certification below. No fee is required.

VI. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(d):  
(check both boxes if applicable)

before payment of the Issue Fee (See 37 C.F.R. § 1.97(d).

- a. ☐ See the certification below; and
- b. ☐ A fee in the amount of \$180.00 is enclosed as required by 37 C.F.R. § 1.17(p).

VII. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

☒ Please charge Deposit Account No. 04-1105 in the amount of \$180 US for the above-indicated fee. A triplicate copy of this paper is attached.

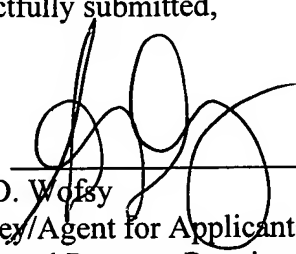
☐ No fee is required.

Page 5

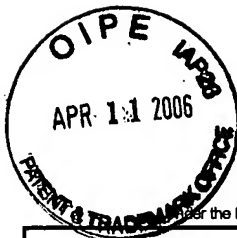
Should the Examiner have any questions concerning this Supplemental IDS, she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 04-1105, referencing Attorney Docket No. 42568.60393.

Respectfully submitted,

Date: April 7, 2006

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PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>Substitute for form 1449A/B/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/773,623-Conf. #8353
				Filing Date	February 6, 2004
				First Named Inventor	Albert R. Heilmann
				Art Unit	3672
				Examiner Name	Fuller, Robert E.
Sheet	1	of	1	Attorney Docket Number	60393(42568)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA	US-5,582,777	12/10/1996	Vento	
	AB	US-5,620,593	04/15/1997	Stagner	
	AC	US-6,312,605	11/06/2001	Kerfoot	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	BA	822,671	10/28/1959	Sulzer Freres, Societe Anonyme		
	BB	0 144 659	10/19/1984	Blum, Albert		
	BC	DE 3644120	07/07/1988	Beham, Hans Dieter		
	BD	DE 198 45 545	08/12/1999	Koch, Fred		
	BE	EP 1 116 695	07/18/2001	Chen, Alan Tat Yan		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author ( in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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